



**Peter Scoolidge**  
2 Park Avenue – 20<sup>th</sup> Floor  
New York, NY 10016  
(212) 729-7708  
peter@sprflp.com

February 22, 2023

**VIA ECF**

The Honorable Sarah Netburn  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Michael Day v. Jeffrey L. Slothower and Battery Private, Inc.*, Case No.  
1-21-cv-1188 (PAE) (SN)

Dear Judge Netburn:

We represent the plaintiff, Michael Day, in the above-captioned action. We write on behalf of all parties pursuant to this Court's February 28, 2022 order, Docket No. 49, requesting a letter every six (6) months regarding the status of the related cases currently before the Honorable Gary Brown in the Eastern District of New York, *Securities and Exchange Commission v. Battery Private, Inc. and Jeffrey Slothower*, Case No. 2:21-cv-04577 (the "E.D.N.Y. Civil Action"), and *USA v. Sealed*, Case No. 2:21-CR-00602 (the "E.D.N.Y. Criminal Action"). Your Honor granted plaintiff's unopposed motion to stay the instant action pending resolution of the related cases. *See* Docket Nos. 48 and 49.

With regard to the related E.D.N.Y. Civil Action, on February 24, 2022, Judge Brown granted the government's motion to intervene and stay that case pending the resolution of the related E.D.N.Y. Criminal Action. The E.D.N.Y. Civil Action remains stayed as of the date of this status letter.

In the E.D.N.Y. Criminal Action, the Court held a status conference on December 16, 2022. *See* Docket No. 24 in *USA v. Sealed*, Case No. 2:21-CR-00602 (E.D.N.Y.) (GRB). The Minute Entry for the proceedings held on that date states that "discovery is still being exchanged."

Should there be any resolution in the E.D.N.Y. Criminal Action, the parties will promptly notify the Court. The parties thank the Court for its time and consideration.

Respectfully submitted,

/s/ Peter Scoolidge

Peter Scoolidge

cc: Jeffrey L. Slothower (via email at jeffrey.slothower@icloud.com)